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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/089,402	06/03/1998	HARUHIKO MURATA	P7314-8005	2801

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 08/27/2003

21

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/089,402

Applicant(s)

MURATA ET AL.

Examiner

LUONG T NGUYEN

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/8/2003 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 2-7 filed on 5/19/2003 have been considered but are moot in view of the new ground(s) of rejection.

In re page 4, Applicants argue that Nishida does not teach or suggest detecting the movement of the object, Nishida merely discloses only detecting the position of the object.

In response, regarding claim 7, the Applicants amended claim 7 with the limitation "means for detecting the movement of an object on the basis of an output of the imaging device." The Examiner considers that claim 7 as amended still do not distinguish over Nishida patent. Nishida discloses motion vector detecting circuit 108 to detect the motion of the main object (detecting the movement of the object, figure 2, column 6, lines 16-25).

In re pages 4-5, Applicants argue that Nakano does not actually control the exposure of the initial image, but, rather "corrects" the images after they are captured.

In response, regarding claim 6, it is noted that the feature "control the exposure of the initial image" is not recited in claim 6. The Applicants claimed claim 6 with the limitation "means for temporarily storing a plurality of images picked up by the imaging device before and after a shutter is released, and retaining, when the shutter is released, only the picked-up image in which the movement of the object is the smallest out of the picked-up images temporarily stored before and after the shutter is released." The Examiner considers that claim 6 as claimed still do not distinguish over Nishida patent further in view of Nakano et al. patent. Nakano et al. disclose an electronic still camera in which in the before/after photographing mode, when the shutter button 15 is depressed, a plurality of images which have been taken before and after the shutter operation are stored in memory 22. Furthermore, the image having most less blurring phenomenon (the movement of the object is smallest) can be selected and then recorded on the floppy disk 28 (figures 1, 11-12, column 14, lines 53-63).

In re page 5, Applicants argue that Nakano neither teaches nor suggests the feature of means for detecting the movement of an object on the basis of an output of the imaging device, wherein the movement of the object is detected from motion vectors corresponding to a plurality of detecting areas set in an imaging area of the imaging device.

In response, Nishida as discussed above and the Office action below disclose this feature.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2612

4. Claims 2-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 (lines 2-3), claim 3 (line 3), claim 4 (line 3), claim 5 (lines 3-4) recite the limitation "the" in "the detected information".

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Nishida (US 5,210,566).

Regarding claim 7, Nishida discloses a camera apparatus comprising an imaging device, disclosed as an imaging element 90 (figure 2, column 5, lines 40-50); means for detecting the movement of an object on the basis of an output of the imaging device, disclosed as motion vector detecting circuit 108 (figure 2, column 5, lines 60-65, column 6, lines 16-22); exposure determination means for determining the exposure (signal level detecting circuit 102 for detecting an exposure signal, figure 2, column 5, lines 55-65); exposure correction means for making the exposure correction to the exposure determined by the exposure determination means on the basis of the detected movement of the object (exposure controlling circuit 88 controls the

Art Unit: 2612

exposure such that the level of the exposure detecting signal 104 equals to the exposure controlling target value, figure 2, column 6, lines 5-15); wherein the movement of the object is detected by motion vectors corresponding to a plurality of detecting areas set in an imaging area of the imaging device (Nishida discloses motion vector detecting circuit for detecting the motion of the image from two continuous image frames, figures 2, 4, column 5, lines 60-65; column 6, lines 16-49).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishida (US 5,210,566) in view of Kinjo (US 5,289,227).

Regarding claims 2-5, Nishida fails to specifically disclose wherein the exposure control correction means corrects a shutter speed and a diaphragm and controls a gain and a strobo flashing in a case where a shutter is released on the basis of the detected information relating to the movement of the object. However, Kinjo discloses the exposure control circuit 34 controls the shutter driver 48, the shutter mechanism 42, the diaphragm 41, the flash device 56 (figures 1, 6, column 7, lines 27-58, column 10, line 61 – column 11, line 4). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus in Nishida by the teaching of Kinjo et al. in order to provide a camera capable of

Art Unit: 2612

activating a flash device synchronously with the shutter mechanism if the object brightness at the flesh color area is low (column 11, lines 1-4).

9. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nishida (US 5,210,566) in view of Nakano et al. (US 5,043,816).

Regarding claim 6, Nishida fails to specifically disclose means for temporarily storing a plurality of images picked up by the imaging device before and after a shutter is released, and retaining, when the shutter is released, only the picked-up image in which the movement of the object is the smallest out of the picked-up images temporarily stored before and after the shutter is released. However, Nakano et al. disclose an electronic still camera in which in the before/after photographing mode, when the shutter button 15 is depressed, a plurality of images which have been taken before and after the shutter operation are stored in memory 22. Furthermore, the image having most less blurring phenomenon (the movement of the object is smallest) can be selected and then recorded on the floppy disk 28 (figures 1, 11-12, column 14, lines 53-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus in Nishida by the teaching of Nakano et al. in order to obtain a novel electronic camera capable of confirming the taking of a picture which has the best image quality regardless the blurring phenomenon occurs when the shutter button is depressed (column 2, lines 19-20, column 15, lines 46-54).

Conclusion

Art Unit: 2612

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231


or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

LN LN
8/23/2003


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600